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TO	NAME AND ADDRESS	DATE	INITIALS
1	Legislative Counsel		<i>Jm</i>
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ACTION	DIRECT REPLY	PREPARE REPLY
APPROVAL	DISPATCH	RECOMMENDATION
COMMENT	FILE	RETURN
CONCURRENCE	INFORMATION	SIGNATURE

Remarks:

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FROM: NAME, ADDRESS AND PHONE NO.		DATE
OGC 7D01 Hqs		6/19/73
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OGC Has Reviewed

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OGC 73-1103

19 June 1973

MEMORANDUM FOR: Legislative Counsel

SUBJECT: H.R. 8152 - Amendment to Title I of the
Omnibus Crime Control and Safe Streets
Act of 1968
STATINTL

REFERENCE: Memo fr [redacted] to Multiple Addressees,
dtd 19 June 73, Same Subj

*Very closely
Construction*

1. I reviewed the Holtzman amendment with Thomas Madden, General Counsel, Law Enforcement Assistance Administration (LEAA), who was thoroughly familiar with this as well as the types of assistance we have provided LEAA in the past. Specifically, he was aware of the metal traces technique and the explosives detection techniques which we had turned over to LEAA. It was Madden's opinion that the Holtzman amendment would not prevent this type of assistance in the future. He referred to section 513 of H.R. 8152 which authorizes the LEAA to request any agency to supply statistics and data, program reports, and other material as LEAA deemed necessary to carry out its functions. Further, each such agency is authorized to cooperate with LEAA to the extent permitted by law. Mr. Madden felt they would be able to construe the Holtzman amendment and, if necessary, section 513 to permit future cooperation by the Agency. He was aware of the prohibitions governing the Agency and was familiar [redacted] by Congressman Koch.

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2. Mr. Madden further indicated that in all likelihood the Senate will pass a slightly different bill which will delete all of the House bill and the Holtzman amendment might disappear. Also he agreed that if the opportunity presented itself they would attempt to put in some clarifying legislative history to ensure that there was no intent to prohibit passage by the Agency of information or technology which would be useful for LEAA to have. He agreed that any active participation to include training would probably be inappropriate.

3. In view of the above, it would appear that the Agency should take no action and if requested for views should generally indicate that we either have no position or have no objection.

STATINTL

JOHN S. WARNER
Acting General Counsel

cc: DDO
DDM&S

The So-Called Holtzman Amendment

An amendment introduced by Representative Elizabeth Holtzman (D., N.Y.), and passed by the House of Representatives in H.R. 8152-- Amending Title I of the Omnibus Crime Control and Safe Streets Act of 1968--is, in effect, a reaction to publicity precipitated as a result of Central Intelligence Agency assistance to a number of domestic law enforcement organizations. The assistance given was in the form of briefings on a variety of subjects such as the procedures for the processing, analyzing, filing, and retrieving of information, security devices and procedures, and metal and explosives detection techniques. These briefings were given in response to requests from the various recipients.

FOIAB5

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Futhermore, in the Agency's judgment, they were entirely consistent with the provisions of the Omnibus Crime Control and Safe Streets Act.

In enacting that law it was a declared policy and purpose of Congress "to assist State and local governments in strengthening and improving law enforcement at every level by national assistance" and to ". . . encourage

research and development directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals" (42 USCA 3701). By the same law Congress also authorized the Law Enforcement Assistance Administration to use available services, equipment, personnel and facilities of the Department of Justice and of "other civilian or military agencies and instrumentalities" of the Federal Government to carry out its functions (42 USCA 3756).

Notwithstanding this, the Director of Central Intelligence upon review of these activities has directed that such activities be undertaken in the future only in the most compelling circumstances and with his personal approval. He added that the Agency would, of course, continue to comply with applicable laws and regulations regarding coordination with other Federal agencies.

We believe it would be unwise to place a restriction in the law which would preclude the Central Intelligence Agency from ever cooperating with the Law Enforcement Assistance Administration under any circumstance no matter how compelling. The Agency does not object to this legislation from the standpoint of its own activities, since it in no way impairs the discharge of its foreign intelligence responsibilities. However, we believe that denying any law enforcement organization access to any information which might be useful to that organization under any circumstance in combating crime and in attempting to make the streets of the United States safe is a mistake. The

CIA Subcommittee(s) have this matter under current consideration. It is our view, in accordance with the philosophy expressed by Mr. Schlesinger, that a decision on a matter of this sort should be made on the basis of a considered judgment by senior officials of the Government. Furthermore, if any restrictions are to be established we feel that these restrictions should be a matter of internal regulation and not a matter of flat unyielding statutory prohibition. For this reason we oppose any amendment which would preclude CIA cooperation with the LEAA under any and all conceivable circumstances.